

**Tennessee Department of Labor & Workforce Development  
Workers' Compensation Division  
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**Memorandum**

To: Whom It May Concern

From: Sue Ann Head, Administrator, Workers' Compensation Division,  
Tennessee Department of Labor and Workforce Development

Date: October 8, 2003

Re: Providing Medical Records and Reports under HIPAA

Due to complaints and difficulty gaining access to medical records since the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) became effective, the Division has prepared this memorandum to help alleviate some of the problems.

For workers' compensation cases in Tennessee, medical records and reports pertaining to the alleged injury for which benefits are being sought, are required to be furnished, upon request, by a physician or hospital to an employee, an employee's attorney, a case manager, a third-party administrator, the Workers' Compensation Division of the Tennessee Department of Labor and Workforce Development, an employer, an insurer, an employer's or insurer's attorney, or any other persons or entities involved in the workers' compensation system without the necessity of obtaining the employee's consent to the release of such medical records or reports. See T.C.A. §50-6-204.

The federal HIPAA legislation does not change this general obligation upon medical providers or hospitals in workers' compensation cases under the Tennessee Workers' Compensation Law. As with any new sweeping legislation, there are ambiguities and contradictions. Further clarification will be an evolving process that will likely occur over several years through legal and regulatory decisions.